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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,086	01/28/2002	Michael Wayne Brown	AUS920010519US1	3222

	EXAMINER
7590 09/08/2004	ZHOU, TING

Marilyn Smith Dawkins
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Intl Prop Law Dept. Internal Zip 4054
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ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>28 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/28/02, 4/12/02</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1.   Claims 1-2, 4-8, 10-14 and 16-18 are rejected under 35 U.S.C. 102(e) as being

anticipated by Andrew et al. U.S. Patent 6,633,310.

Referring to claims 1, 7 and 13, Andrew et al. teach a method, system and

program comprising a graphical user interface (column 4, lines 51-53), displaying a user

interface comprising at least one displayable object within a display area controlled by a

computer system (displaying interface elements on the GUI) (column 4, lines 59-67 and

further shown in Figure 2), monitoring a transparency associated with the at least one

displayable object (monitoring the switch between translucent and opaque of graphical

user interface elements) (column 1, lines 62-63), and responsive to an initiating event,
placing a transparency characteristic aid comprising the monitored transparency of the at
least one displayable object within the display area, such that the at least one displayable
object is not obscured by the transparency characteristic aid (responsive to the user
positioning the pointer over an element, the element changes transparency from being
translucent to opaque and correspondingly, a characteristic aid, or sound can be played in
conjunction with the element changing transparency level from being translucent to
opaque) (column 1, lines 62-67 through column 2, lines 1-3 and column 7, lines 26-35).

Referring to claims 2, 8 and 14, Andrew et al. teach responding to an initiating
event, wherein the initiating event is at least one of a cursor placement, an occurrence of
a user-defined event, and a user input (the transparency of the element is adjusted, and
therefore the sound is played, as a response to user input of positioning the cursor over
the element) (column 1, lines 63-67).

Referring to claims 4, 10 and 16, Andrew et al. teach monitoring a plurality of
factors that determine the transparency associated with the at least one displayable object
(monitoring factors that affect the switch between the elements being translucent and
opaque, and vise versa, such as the pointer position, how the long the pointer has
remained on the element, etc.) (column 1, lines 62-67 through column 2, lines 1-8 and
column 6, lines 50-58).

Referring to claims 5, 11 and 17, Andrew et al. teach placing the transparency
characteristic aid to maximize space remaining in the display area (since the transparency
characteristic aid is an audio sound, no additional screen space is utilized and therefore,
the space remaining in the display area is minimized) (column 7, lines 26-35).

Referring to claims 6, 12 and 18, Andrew et al. teach initializing the transparency

characteristic aid, wherein the transparency characteristic aid comprises at least one from

among text, graphics, video and audio (the transparency aid comprises an audio sound

providing confirmation to the user of the monitored transparency changes) (column 7,

lines 26-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 3, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Andrew et al. U.S. Patent 6,633,310, as applied to claims 1, 7 and 13 above, and

Kamiwada et al. U.S. Patent 6,741,266.

Referring to claims 3, 9 and 15, Andrew et al. teach all of the limitations as

applied to claims 1, 7 and 13 above. However, Andrew et al. fail to explicitly teach

determining a graphical output format for the transparency characteristic aid, adjusting a

transparency of the transparency characteristic aid according to user transparency

preferences, determining a display position for the transparency characteristic aid, and

adjusting the transparency of the transparency characteristic aid according to the display

position. Kamiwada et al. teach a graphical user interface comprising at least one

displayable object (displaying a GUI on a picture) (Kamiwada et al.: column 2, lines 37-

40) similar to that of Andrew et al. In addition, Kamiwada et al. further teach

determining a graphical output format for the transparency characteristic aid (displaying a

graphical user interface component on a picture element displayed on a graphical user

interface, in response to a display indication) (Kamiwada et al.: column 2, lines 38-43),

adjusting a transparency of the transparency characteristic aid according to user

transparency preferences (adjusting the transparency of the GUI component to suit a

user's preferences and convenience) (Kamiwada et al.: column 7, lines 7-11),

determining a display position for the transparency characteristic aid (position detecting

unit detecting a position of a pointer of the GUI) (Kamiwada et al.: column 2, lines 54-

55), and adjusting the transparency of the transparency characteristic aid according to the

display position (adjusting the transparency of the graphical user interface component

based on the position detected) (Kamiwada et al.: column 2, lines 51-58). It would have

been obvious to one of ordinary skill in the art, having the teachings of Andrew et al. and

Kamiwada et al. before him at the time the invention was made, to modify the interface

for placing a transparency characteristic aid of the monitored transparency of a displayed

object of Andrew et al. to include selectively adjusting the transparency of displayed GUI

components according to user preference and positional information, as taught by

Kamiwada et al. One would have been motivated to make such a combination in order to

provide a graphical user interface display with good operation and without interfering and

obscuring other objects displayed on the screen; by allowing the user to selectively adjust

the transparencies of objects based on their location, the information displayed and

viewable on the screen is maximized.

3.   The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to

consider these references fully when responding to this action. The documents cited

therein teach similar methods of monitoring and adjusting the transparencies of

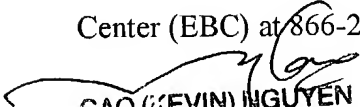displayable objects in a graphical user interface.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328

through the month of October, 2004 and (571) 272-4058 thereafter. The examiner can

normally be reached on Monday - Friday 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached at (703) 308-3116 through the month of October,

2004 and (571) 272-4048 thereafter. The fax phone number for the organization where

this application or proceeding is assigned is (703) 746-8720 through the month of

October, 2004 and (571) 273-4058 thereafter.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CAO (KEVIN) NGUYEN
PRIMARY EXAMINER
20 August 2004